

Docket No. 10008151-1

Remarks

This Amendment is responsive to the **February 9, 2006** Office Action. Reexamination and reconsideration of **claims 1-15** is respectfully requested.

Summary of The Office Action

Claims 1-7 were rejected under 35 U.S.C. §102(e) as being anticipated by Colby et al. (U.S. Pat. No. 6,625,643).

Claims 3, 4, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby et al. (U.S. Pat. No. 6,625,643) in view of Moher, (U.S. Patent No. 6,161,209).

Claims 8-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby et al. (U.S. Patent No. 6,625,643), of Moher, (U.S. Patent No. 6,161,209), in view of Parupudi et al. (U.S. Patent No. 6,859,829).

No Reply To Applicant's Arguments regarding Colby and Claims 1-7

Applicant notes that the Final Rejection issued on August 10, 2005 rejected claims 1-15 under 35 U.S.C. §102(e) as being anticipated by Colby et al. (USPN 6,625,643). Applicant submitted detailed remarks that pointed out how Colby fails to teach or suggest claims 1-7 in an After Final Amendment. This Amendment and its remarks were entered once the Applicant filed the Request for Continued Examination (RCE).

The present Office Action is in response to the RCE and on page 10, the Office Action simply states "Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection." No other comments were provided.

Applicant respectfully submits that the current rejections to claims 1-7 are identical to the previous rejections issued in the Final Office Action of August 10, 2005. Furthermore, the rationale for the rejections are identical including each sentence and column citation to

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Colby. Therefore, no new grounds of rejection were issued for claims 1-7. As such, the Office Action provides no response to Applicant's previous arguments that explain how the claims distinguish over Colby.

Applicant respectfully submits that the lack of response to Applicant's arguments does not advance prosecution of the application as required by the MPEP. Without a rebuttal from the Examiner, Applicant has no way of knowing what the Examiner considered and forces the Applicant to simply repeat all arguments once again, thus not advancing prosecution. Applicant has made a good faith effort to address and explain the cited teachings of Colby. If the Examiner believes the Applicant's explanations of Colby are incorrect, then the Examiner should submit rebuttal evidence showing why Applicant's explanations are incorrect.

For at least these reasons, Applicant believes the next Office Action should be made Non-Final to give the Applicant have a full and fair evaluation of the claims and a reasonable opportunity to reply to the Examiner's rejections.

The Present Amendments

Claims 1, 2, 4-6, 8, and 11-15 have not been amended.

Claims 3, 7, 9, and 10 have been amended.

Claim 3 has been amended to delete a typographical error, which is the word "of".

The Claims Patentably Distinguish Over the References of Record

Independent Claim 1

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Colby et al. (U.S. Pat. No.6,625,643).

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Applicant respectfully submits that the cited sections of Colby do not teach or suggest each and every element of claim 1 and thus Colby fails to support the rejection. For example, the Office Action cites Colby, column 4, lines 5-22 as teaching the claimed feature of returning technical support documents that relate to the activated event. This section is discussed as follows:

Colby, column 4, lines 5-22, are reproduced below in the left column. Applicant's comments are in the right column. As can be seen, there is no mention of returning technical documents as claimed.

"The invention is described below, with reference to several detailed illustrative embodiments. It will be apparent that the invention can be embodied in a wide variety of forms, some of which may be quite different from those of the disclosed embodiments." Col. 4, lines 3-7.	No mention of returning technical documents to the device.
Consequently, the specific structural and functional details disclosed herein are merely representative and do not limit the scope of the invention." Col. 4, lines 7-9.	No mention of returning technical documents to the device.
"FIG. 1 provides an overview of the main components of one embodiment of a system incorporating the teachings of the invention. A Topology Manager 20 manages broadcast events that are served from Data Stream Servers 22 to User Terminals 24 over a Data Network 26 such as the Internet." Col. 4, lines 10-14.	No mention of returning technical documents to the device.
"In one embodiment, the Topology Manager is a redundant set of software components that run on one or more Windows NT Workstation systems." Col. 4, lines 15-17.	No mention of returning technical documents to the device.
"The Topology Manager, using information obtained from a Scheduler 28, automatically commits resources and sets up network interconnections to produce a broadcast session on the system network." Col. 4, lines 17-20.	No mention of returning technical documents to the device.
"To track and allocate resources, the Topology Manager stores resource and event information in a Database 30." Col. 4, lines 20-22.	No mention of returning technical documents to the device.

Therefore, Colby fails to teach each and every limitation of claim 1 and thus fails to support a proper §102 rejection. The rejection must be withdrawn. Applicant further repeats

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the previous arguments relating to Colby made in the previously submitted response, which have yet to be addressed by the Examiner as stated above.

Since claim 1 recites features not taught or suggested by the reference, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2 and 6 also patentably distinguish over the reference and are in condition for allowance.

Independent Claim 3

Claims 3, 4, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby et al. in view of Moher, (U.S. Patent No. 6,161,209).

Claim 3 includes language from claim 1, which has been shown to distinguish over Colby. Therefore, the rejection is not supported for at least this reason. Moher has been cited to cure the shortcoming of Colby for teaching "produced an error". Applicant points out that claim 3 recites "determining whether the most recently activated event produced an error" and not simply "produced an error". Thus, the basis of the rejection is incomplete.

Applicant respectfully repeats, as in the previous response, that Moher has nothing to do with the present invention and has nothing to do with the teachings of Colby, but was simply cited because it had the word "error" in it. The cited section of Moher of column 44, lines 60-67 have no bearing or relationship to the present invention. Moher fails to teach or suggest the recited "determining whether the most recently activated event produced an error". Thus, combining Moher with Colby fails to teach or suggest claim 3 and the rejection must be withdrawn.

One of ordinary skill in the art would also find no motivation to combine these references. As previously submitted but not replied to, the motivation to combine Moher and Colby (see Office Action top of page 6) is completely unrelated to the present claims and makes no sense. The reasons for combining fail to comply with the requirements of a proper obviousness rejection and the rejection cannot stand for this additional reason.

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Therefore, claim 3 patentably distinguishes over the references of record and is in condition for allowance. Accordingly, dependent claims 4 and 5 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 7

Claim 7 has been amended. Support for the amended language appears in the present specification on, for example, page 5 or page 8. Thus, no new matter has been added. None of the cited reference teaches or suggests the claimed method. Claim 7 is believed to patentably distinguish over the references of record and is in condition for allowance.

Independent Claim 8

Claim 8 recites a computer program product that causes a computer to obtain a most recently activated event from a device state table in a peripheral device, request a default uniform resource locator, and return one or more technical support documents relating to the activating event.

Claims 8-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby et al., of Moher, in view of Parupudi et al. (U.S. Patent No. 6,859,829). This rejection starts on page 7 of the Office Action. The Office Action cites Colby column 6, lines 16-56 and column 29, lines 8-43 as teaching the recited element of "obtain a most recently activated event from a device state table in a peripheral device." Column 6, lines 16-56 describe a network Topology Manager and thus fails to mention anything about a peripheral device state table or obtaining events from such a state table. Colby, column 29, lines 8-43, mentions an EventMsg table on line 9, which is a table in a database (col. 29, lines 12-13, "Events table of the Sybase database"). One of ordinary skill in the art understands that a database table is not a peripheral device state table as claim. Thus, the rejection is not supported by the references and must be withdrawn for at least this reason.

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Claim 8 further recites "return one or more technical support documents relating to the activating event". As explained with reference to claim 1 above, Colby fails to teach this feature and Colby fails to support a proper obviousness rejection. Thus, claim 8 patentably distinguishes over the references of record and is in condition for allowance.

Independent Claims 9 and 10

Claims 9 and 10 has been amended. Support for the amended language appears in the present specification on, for example, page 5 or page 8. Thus, no new matter has been added. In view of the previous explanations of the references, one of the cited reference teaches or suggests the claimed computer program product of claim 9 or the system of claim 10.

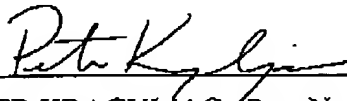
Thus, Claims 9 and 10 are believed to patentably distinguish over the references of record and are in condition for allowance. Accordingly, dependent claims 11-15 also patentably distinguish over the references and are in condition for allowance

Conclusion

For the reasons set forth above, claims 1-15 patentably and unobviously distinguish over the references and are allowable. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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